

JENNIFER SCHWARTZ (SBN135932)  
LAW OFFICES OF JENNIFER SCHWARTZ  
1299 Fourth Street, Suite 307  
San Rafael, California 94901  
Telephone: (415) 460-2888  
Facsimile: (415) 460-2730  
Email: [jenniferschwartz@sbcglobal.net](mailto:jenniferschwartz@sbcglobal.net)

Attorney for Defendant  
JOSE ESQUIVEL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	<b>Case No. CR 12-0664 YGR</b>
	)	
Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>ARRAIGNMENT DATE AND</b>
v.	)	<b>[PROPOSED] ORDER</b>
	)	
JOSE ESQUIVEL,	)	
	)	
Defendant.	)	
	)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the current date for arraignment before Magistrate Judge Ryu on the First Superseding Indictment of November 8, 2012 and setting a new arraignment date for November 15, 2012, at 9:30 a.m. and excluding time under the Speedy Trial Act to November 15, 2012.

The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Jose Esquivel, was indicted on September 11, 2012 on one count of violating 21 U.S.C. §§ 846 (conspiracy to distribute a controlled substance) and 841(a)(1) (distribution of heroin), three counts of violating 21 U.S.C. §§ 841(a)(1)(distribution of heroin on

1 particular dates) and one count of violating 21 U.S.C. § 924(c)(possession of a firearm in  
2 furtherance of drug trafficking).

3 2. On October 30, 2012, the government filed a First Superseding Indictment,  
4 charging defendant Esquivel and codefendant Donald Mills with additional counts of violating  
5 21 U.S.C. §§ 841(a)(1), adding specific controlled substance weight allegations, adding  
6 forfeiture allegations, and alleging a violation of 18 U.S.C. §§ 922(g)(1) as to codefendant Mills.  
7 Additional discovery related to the new charges in the First Superseding Indictment has been  
8 provided to the parties.  
9

10 3. Arraignment on the First Superseding Indictment was originally set before  
11 Magistrate Judge Ryu for November 8, 2012. However, defense counsel now has a scheduling  
12 conflict at that date and time. Additionally, defense counsel needs more time to review the new  
13 allegations in light of both the discovery previously provided and the additional discovery before  
14 entering a plea. Accordingly, the parties respectfully, request that the current date for  
15 arraignment on the First Superseding Indictment of November 8, 2012 be continued until  
16 November 15, 2012 at 9:30 a.m. in order to allow counsel adequate time to prepare for the entry  
17 of a plea and to accommodate the scheduling conflict.  
18

19 4. Taking into account the public interest in the prompt disposition of criminal cases,  
20 the above-stated ground is good cause for excluding time under the Speedy Trial Act. Failure to  
21 grant the continuance would deny the defense time for effective preparation and representation.  
22

23 5. Accordingly, with the consent of the defendant, the Court hereby: (a) continues  
24 the November 8, 2012 arraignment date until November 15, 2012 at 9:30 a.m. and (b) orders that  
25 the period from today until November 8, 2012 be excluded from Speedy Trial Act calculations  
26 under 18 U.S.C. § 3161.  
27

1  
2 IT IS SO STIPULATED:  
3  
4

5 Dated: November 7, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
WILSON LEUNG  
Assistant United States Attorney

6  
7  
8 Dated: November 7, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
JENNIFER SCHWARTZ, (SBN 135932)  
Attorney for Defendant  
JOSE ESQUIVEL

9  
10  
11  
12 IT IS SO ORDERED.

13  
14 DATED: 11/7/12

  
\_\_\_\_\_  
HON. DONNA M. RYU  
United States District Court Magistrate Judge  
Northern District of California